PART VII.—FOREST CONSERVANCY AND PRINCIPLES AND POLICY OF THE DEPARTMENT.

1. The following extracts from the Secretary of State's despatch No. 14, dated 24th April 1863, to the Government of Fort St. George contain general remarks on the question of forest conservancy :—

"16. The importance of forests, not only as yielding timber and firewood, but as affecting the rainfall, the climate, and the soil, and as protecting in mountainous regions the country of the plains, has been overlooked, not in India alone, but in other countries of the world. But of late years sounder views on this point have been adopted. Humboldt very broadly stated (and the statement is now very generally accepted) that the more cultivation increases and the forests diminish, the drier both soil and climate become. Nor is there any reason, as I remarked in paragraph 6 of my despatch of the 9th March, No. 7, if the forests are properly managed, and a judicious outlay is bestowed on them, why a proportionate profit should not be obtained from them. Whatever may have been the case formerly, there can be no doubt of this in India now, since the introduction of railways, the stimulus given to the construction of other public works, and the building of private houses and manufactories, from the increased and the increasing influx of Europeans into India, has created so large a demand for timber.

"17. To forests, from their nature, the usual maxim of political economy which leaves such undertakings to private enterprise cannot be applied. Their vast extent, the long time that a tree takes to reach maturity, and the consequence that few persons live long enough to obtain any, and more specially the highest, returns for expenditure, even once in the course of their lives, are proofs of the necessity that forest management should be conducted on permanent principles, and not be left to the negligence, avarice or caprice of individuals, and, therefore, point to the State as the proper administrator, bound to take care that, in supplying the wants of the present generations, there is no reckless waste, no needless forestalling of the supply of future generations. This is matter of experience, not in India only, but in all other countries of the world. For several years past some of the forests of your Presidency have been under the superintendence of an able Conservator and a small Forest Department, and the attention of your Government has been creditably directed to their preservation from utter ruin. But, as Major Morgan has observed in the Report before me, 'conservancy is yet in its infancy.' What has been done, however, has shown that by extending the system, and placing it on a sound and permanent footing, much more might be done. To attain this the Forest Department should be made thoroughly effective, and all forests, without exception, should be at once brought under its authority. The Conservator should have competent Superintendents under him, with a moderate, but still a sufficient, staff, suited to the requirements of each forest. He should lay down general rules, which should only be departed from with his permission, and when a difference in the circumstances of a district might render a change expedient. Some system of this kind does, I am aware, exist to a certain extent, but it requires to be made more complete, and to have a permanent character.

"18. The rules should, for the most part, be determined on in concert with the Revenue Authorities. Intimately connected as the forests are with cultivation, it is highly important that the Department should work in strict connection and communication with the Collectors of the several districts and their subordinate officers. I mention this, as I regret to perceive, from Mr. Spring's Report, that this has not been the case on the borders of Cuddapah and North Arcot, the jungles of which have, notwithstanding your orders, suffered very much in consequence.

†"19. One rule, which is of paramount importance, should at once be adopted wherever circumstances permit it. The cuttings should be conducted by the officers of the Department. To the want of such a rule, and the admission of contractors to do this work, or to cut trees on the payment of seignorage fees, may be traced in great measure the wholesale destruction which has occurred in all the forests of India. Instances of the truth of this view will be found in the account given by Major Morgan of almost every forest. He calls it in one place, and with great justice, 'a simple way of saving the Assistant trouble, and conveying the largest share of the profit into the pocket of the contractor.' It does not, therefore, seem to me that the case of the contract suggested by Captains Beddome and Brine was quoted by the Acting Conservator inappositely as an example of the superiority of conservancy over the system of felling by contractors. It is, I think, therefore to be regretted that, by the order on your proceedings of December 20th last, you have sanctioned rules for working the forests of the Kurnool, Cuddapah, and Salem Districts on the seignorage fee principle. When an establishment of sufficient strength is given to these forests, this arrangement should be altered."

Nos. 283 and 284, page 3527.

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"21. Another point, which has hitherto been neglected, is, that sufficient protection should, as far as possible, be provided to persons working in the forests and jungles. Major Morgan mentions the want of proper shelter for the men employed in the Anamallais as one of the causes of the loss on that forest, and due provision for those who are working in these fever-haunted localities, besides being a duty on the part of Government, would also, by husbanding the health and strength of their servants, prove in the end a measure of economy.

"22. I have lately, in paragraph 6 of my despatch of the 9th March, urged upon you the necessity of impressing upon all officers concerned the caution of the Governor General as to the reservation of valuable forests, and this caution seems more necessary after a perusal of some of the opinions expressed in the report now before me.

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"24. I quite agree with your Excellency in Council that it is not desirable that there should be any reservation of trees on land made over to purchasers, although in those cases a valuation may be put upon the trees before the sale."

(G. R. No. 4916, dated 10th December 1864.)

2. It cannot be too often impressed on all officers connected with the management of forests that present revenue is not so much an object as the future supply of timber and firewood. (G. R. No. 2490, dated 10th July 1866.)

3. With regard to the question of permitting in forest reserves the grazing of cattle, the cutting of trees for rab (ash manure), and the taking of firewood by villagers, on the one side it has to be considered that young trees are apt to be eaten and trodden down by cattle, and that the admittance of people within forest limits tends to the indiscriminate cutting of all kinds of trees and the occurrence of destructive fires, whilst on the other hand it has

† The sorts of contracts which it is meant here to condemn are those by which persons obtain the privilege of cutting timber and bringing it out of the forests and selling it on their own account. (G. R. No. 1773, dated 27th April 1865.)

to be remembered that the grazing of cattle keeps down the grass by which fires when they do occur are fed, and that some kinds of forest growth are fostered by seeds having passed through the stomachs of goats: that ráb and firewood are absolutely necessary for the people, and that forbidding them to go into the reserves to procure them would be an interference with their immemorial privileges.

The advantage to be derived from sowing of seed in the droppings of sheep and goats cannot exist in forests where the bábul does not grow, and this, therefore, is not argument for allowing other cattle to graze in all reserves, or sheep and goats in the former forests. Again, there is no doubt that in order to secure good timber the side shade, which can only be secured by encouraging the growth of dense jungle, is essential. The risk of fire from allowing such dense growth of grass and underwood can be partially avoided by the cutting of fire-paths.

There should, therefore, be two descriptions of reserves, one in which the cutting of ráb and firewood and the grazing of cattle may be permitted, and the other into which the foot of man and beast should, as far as possible, be prevented from entering except with the permission of the Forest Department. Both descriptions should be gradually fenced in with living fences, the cuttings from which will eventually be a source of profit, or may be made available for supplies of ráb and firewood to the villages under such rules as it may be found advisable to issue hereafter.

What reserves shall be included in the former or latter category must be decided by the Revenue and Forest authorities in consultation with each other, cases in which they are unable to agree being referred for the decision of the Commissioner, who should be guided by such consideration of the customs of the people of the locality as may not be inconsistent with the due preservation of Imperial property which is common to all. Where ash manure is ordinarily procurable from trees in people's own lands, or from grass or cowdung, access to the reserves for ráb should not be permitted, but where such is not the case, it will be the duty of the officers selecting the reserves to provide for it by setting aside definite portions of reserves or in any other way that may appear feasible. Similarly with firewood, the best arrangements practicable should be made for the maximum of forest conservancy with the minimum of interference and annoyance to the people. For instance, it may sometimes be better not to allow people to cut it for themselves, but to have it collected and stacked on the edges of reserves, the village revenue officers levying from the villagers taking it small fees under the orders of the Collector sufficient to cover the cost of collection and stacking. By such arrangements it is believed the formation of village reserves, which finds no favour with the most experienced officers, may be rendered unnecessary.

Government are of opinion that large forest reserves should be formed where this can be done in favourable localities without putting in force the Land Acquisition Act, by payment of reasonable sums to people removing elsewhere for their expenses in building new houses or taking up fresh land with their own consent. How much it will be worth while to pay to attain this end, is a point that must be determined by a consideration of the risk and inconvenience involved in allowing them to remain, and the ultimate estimated value of the forest property to be consolidated by their removal

(G. R. No. 4320, dated 30th August 1872.)

4. It is important to deal with all State forests, as a portion of the public landed estate, all the productive powers of which should receive due attention, though the special object for which it is set apart is the growth of timber. (S. of S. No. 5, Rev., dated 23rd September 1875; *vide* G. R. No. 6226, dated 4th November 1875.)

5. The true objects for which the Forest Department ought to be organized and maintained are:—

1st.—To guard and preserve from wasteful destruction the timber growing on defined tracts of land, which may properly be withdrawn from private occupation; and by good management to ensure the supply from those tracts, in time to come, of the timber needed to meet the wants of the country.

2nd.—To combine with the above the realization by reasonable means of such a revenue as the Government is fairly entitled to expect from its possession of such valuable property.

But Government cannot forget that in striving to attain these ends they are bound to pay due regard to the habits and wants of perhaps the poorest class of the population; and they strongly deprecate vexatious and oppressive interference with their daily life, for the purpose of enforcing in petty details the so-called rights of the Forest Department.

(G. R. No. 6144, dated 1st November 1875.)

6. It must always be remembered that in the majority of cases the pressure of the rules made for the preservation of the forests and the protection of the revenue will fall with the greatest weight on some of the poorest and least civilized of the population of the Presidency, who have long been, as they now are, very dependent on the supplies they draw from the forest. It is the duty of the Government to take care that in carrying out reforms, which ought ultimately to benefit even these people themselves, the hardships of their lives are not unduly aggravated, and to retain in their own hands a degree of control sufficient for their protection. They must not be sacrificed to an undue desire to increase the powers of the Forest Officers, or to en-

hance prematurely the revenue of the Department. (G. R. No. 130, dated 6th January 1876.)

7. Forest interests should be subordinated to the welfare of the agricultural population when there is any conflict between them. (G. R. No. 7796, dated 22nd December 1881.)

8. It is both the duty and the best policy of the Forest Department to take the people with them in their measures, and so both to frame and to work their rules as to be as little burdensome as is consistent with effective conservancy to those whose privileges cannot but be thereby to some extent curtailed. (S. of S. No. 15, Rev., dated 4th March 1880; *vide* G. R. No. 1848, dated 9th April 1880.)

9. The question of forest protection—always a troublesome one—presents special difficulties in the Bombay Presidency, owing to the nature of the forests and the manner in which they are interspersed with cultivation. On the one hand it is imperative that the forest property of the State should be efficiently protected, or the danger may arise that the areas reserved become forests in name only, and of no practical use to the country; while, on the other hand, the population should not be treated with harshness. The position is rendered more difficult by the fact that some of the most pernicious forest offences are trivial if taken individually, but assume dangerous proportions if considered in the aggregate. (G. I., R. & A., No. 927-F., dated 28th August 1893; *vide* G. R. No. 7286, dated 6th October 1893.)

10. The greatest consideration should be shown in every case where the removal of squatters from reserved forests seems necessary. (G. I. No. 12, dated 27th May 1867; *vide* G. R. No. 2336, dated 22nd June 1867.)

11. The course pursued by Government in the difficult and responsible matter of the arrangements for forest conservancy in the Thána District has been firmly to enforce reasonable rules and restrictions, but at the same time to insist that, whilst the people are not to be allowed to help themselves at their own free will to all the forest produce they may choose to take, all the forest produce they need shall be placed within their reach. Government have also desired that when prices have to be paid for forest produce for the first time, or are raised above old rates, this should be done with consideration, and the prices should be low. The duty of all local officers is to see that this policy is fully carried out. (G. R. No. 3625, dated 6th May 1884.)

12. His Excellency the Governor in Council desires to impress on the Conservators the urgent importance of arranging for the prompt supply of the requirements of the people. Persons in need of wood cannot usually afford to wait long for it, and if they are unable to obtain it within a reasonable time in a legitimate manner, the temptation to take

it without permission will often be irresistible. (G. R. No. 968, dated 31st January 1885.)

13. On the death of a kabuláyatdár, who has under agreement preserved the forest in khálsa villages, the agreement should, as a rule, be continued with the heirs, so that the Kabuláyatdárs may have more than a temporary interest in the proper conservation of the trees. It should be the Conservator's duty to make a fresh kabuláyat with an heir, unless the deceased Kabuláyatdár should have done anything to forfeit the claim of his heir. (G. R. No. 3920, dated 22nd October 1868.)

14. The kabuláyats, whether original or renewed, are agreements for personal service only, and Government, notwithstanding Government Resolution No. 3920, dated 22nd October 1868, are entitled on the death of each kabuláyatdár to decline to accept a fresh kabuláyat from an heir. (L. R. No. 1254, dated 18th September 1883; *vide* G. R. No. 8460, dated 17th November 1883.)

15. It may be politic in some cases, in order to enlist the sympathy of landholders, to renew forest conservancy agreements with the heirs of the original kabuláyatdárs. As a general rule, however, it seems preferable that the protection of Government forests should be entrusted to, and carried out by, Government employés. A large and costly establishment is maintained by the Forest Department and on it rather than on amateur conservators should devolve the task of guarding forests which belong to the State. (G. R. No. 1122, dated 11th February 1886.)

16. Every care should be taken to see that the alluvial accretions to forests are not allowed to be appropriated by cultivators, but they should be sown as soon as possible to replace the areas destroyed by the River Indus. Disputes as to the rights of the Forest Department over such accretions should always be settled as promptly as possible. (G. R. No. 1318, dated 29th July 1873.)

17. It is not and never was the intention of Government to restrict exclusively to mountain ands forest conservancy. In many cases it may be lesirable and necessary to promote forest conservation in plain lands. (G. R. No. 536, dated 26th January 1881.)

18. Perfect symmetry of forest outline and nathematical accuracy of boundary are theoretically lesirable and may be aimed at as far as is practicable, but to secure these objects it is not desirable to sacrifice any material area of forest, to exclude from reserve plots of land of considerable size which have been included in them for years and are covered with trees and vegetation, and to take from cultivation any comparatively large quantity of land on which rice or garden crops are now grown. Save when the boundary line is very irregular, and valid reasons exist rendering its rectification expedient,

the conversion of pieces of land now cultivated into reserved forest, and *vice versâ*, should not be carried out merely in order to obtain a perfectly symmetrical boundary; what are required are well-defined limits, a tolerably regular boundary, and the concentration, as far as may be, of cultivation and forest respectively in considerable areas. (G. R. No. 4565, dated 13th July 1882.)

19. Generally land commanded by tanks and canals should not be included in the forest area. It would obviously be inexpedient to curtail the extent of land which can be irrigated for cultivation from water-works carried out by Government at great expense. The Forest Department has sufficient scope for its energies in afforesting the slopes of hills and land not suitable for cultivation, and it is from the afforesting of these lands, and not low-lying lands which are capable of being irrigated and of producing valuable crops, that an improvement of the climate may be expected.

This above ruling does not apply to Sind, it being intended to apply to the Deccan only. In Sind the question of granting for forest purposes land which can be irrigated from water-works carried out by Government at great expense, is not one which can be dealt with generally, and each application for such land must be decided on its merits. (G. Rs. Nos. 1609, dated 21st February 1884, and 3909, dated 15th May 1884.)

20. It is clearly undesirable that dense forest growth and thick tangled jungle should be permitted to extend up to the very houses of a populous suburb. (G. R. No. 2154, dated 11th March 1884.)

21. It is necessary and desirable that the area immediately surrounding the village of Mahábaleshvar should be kept clear of thick jungle. (G. R. No. 6901, dated 16th October 1888.)

22. It is inexpedient to reserve for forest purposes small isolated numbers immediately adjacent to village sites. It is also, as a general rule, objectionable to maintain, as reserved forest, solitary small patches of land in the midst of cultivated ground; but in an arid, treeless táluka, like Sholápur, it is of great importance to promote to the utmost possible extent the growth of timber and vegetation, and where blocks of land of fair size are not obtainable, even small reserves will prove of benefit. (G. R. No. 5189, dated 27th June 1884.)

23. Land on the banks of rivers should, as a rule, be retained in forest. (G. R. No. 4410, dated 5th July 1888.)

24. Forest reserves are necessary in Sind just as they are elsewhere. Indeed, there is an additional reason for their maintenance in Sind which does not exist in other parts of the Presidency, in the fact that hitherto the bulk of the fuel consumed on the Indus Valley State Railway has been firewood from the forests. But when the question is where

new forests should be formed, it is for consideration whether the land can be spared, whether it cannot be more profitably and advantageously used for agriculture, whether if irrigation is necessary for the growth of the trees the water can be supplied without unduly curtailing the quantity required for crop cultivation, and whether there are any special reasons either for or against the creation of a particular reserve. Each case would need to be dealt with separately and on its own merits. Not unnaturally one of the main objects of officers of the Irrigation Department is to show the largest possible returns in hard cash from the canals under their management, but charges for water furnished to the Forest Department can be debited to that Department and credited to the Irrigation Department, and the Irrigation Officers are apt to forget that a larger net revenue may in certain circumstances be derived by Government from, say, 500 acres of forest than from 500 acres of land under ordinary cultivation by occupants. In the case of forests in rainless tracts which require irrigation for the growth of the trees, the course suggested in the memorandum of the Superintending Engineer for Irrigation in Sind, No. 1439, dated 23rd May 1885, (paragraph 2 *) and paragraph 5 † of the Commissioner in Sind's Report No. 4462, dated 13th November 1885, could apparently be followed with advantage. (G. R. No. 9766, dated 3rd December 1885.)

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* "2. It seems to me, however, that there may at certain seasons be water running to waste, and as it probably does not matter very much when reserves are watered, that it would be feasible to turn waste water into such channels as the Forest Department may be able to borrow or to construct and on such terms as Government may order for the irrigation of reserves already in existence."

† "One thing must not be forgotten; if the railway is to burn wood, fuel reserves near the line of railway must be maintained, and these cannot everywhere or indeed except on the river bank be maintained without canal water. If the Forest Department is a necessity at all in Sind, its reserves should be watered. Water is not required at all times, and one good watering when water is not required for other crops would probably in many cases suffice for forest purposes. The officers of the Canal Department should arrange to provide this. At the same time the Commissioner sees no reason why (according to a liberal scale) the water supplied to the forests should not be paid for in the case of works classed as Productive Public Works."